

## **REMARKS/ARGUMENTS**

Applicant has carefully reviewed the present application in light of the August 18, 2004 Office Action, wherein the currently pending claims were rejected under 35 USC § 103. In light of the following remarks, Applicant respectfully requests reconsideration and reexamination of the application.

### **CLAIM REJECTIONS**

Claims 1, 3-10, 12-16, 18 and 19 were rejected under 35 § USC 103(a) as being unpatentable over Yang (U.S. Pat. No. 4,584,621) in view of the Examiner's assertion of Applicant's admitted prior art.

The Office Action asserts that Yang discloses the instant claimed invention except for a shield between the first line switch and the second line switch and two line switch portions.

The Office Action, on page 4, first full paragraph, asserts that on page 8, lines 17-22 of Applicant's Specification Applicant provides admitted prior art. However, Applicant believes that the Examiner has either misunderstood, misinterpreted, or is misconstruing this citation. The second full paragraph on page 8 of Applicant's Specification (Ins. 13-22) is as follows:

With continuing reference to FIGS. 1-3, in a particularly preferred embodiment a shield 46 is disposed between the first and second line switches 18 and 20. The shield 46 essentially divides the compartment 22 into two separate compartments, each compartment housing either the first line switch 18 or second line switch 20. The shield 46 serves to block and prevent magnetic induction of current and consumption of electricity which would otherwise occur even when the first and second lines 28 and 42 are in their open circuit or "off" positions, as described above. The shield 46, typically a wall or barrier between first and second

line switches 18 and 20, is made of any suitable non-conductive shielding material as is known in the art.

Applicant has not admitted that such walls or barriers between the first and second switches are well-known in the art. Instead, Applicant in this paragraph is referring to the fact that suitable non-conductive magnetic shielding materials are known in the art. There is much discussion in the Specification that the electrical switch assemblies include shielding means, such that magnetic induction is eliminated and thus power drain prevalent in many existing switches and device is eliminated. For example, the first full paragraph on page 6 of the Specification addresses this point. The last paragraph on page 4, and extending to the top of page 5, also discusses that the invention includes a shield between the first line switch portion and the second line switch portion for preventing magnetic induction of current. Page 9, line 28-page 10, line 2, further discusses the benefits of providing the magnetic shielding wall 46. Page 10, lines 6 and 7 further discuss the use of the magnetic shield for preventing magnetic induction of current and unnecessary waste of energy.

Applicant respectfully asserts that it is abundantly clear that he has not made any assertions whatsoever that such magnetic shields extended between first and second line switches or compartment are known in the art.

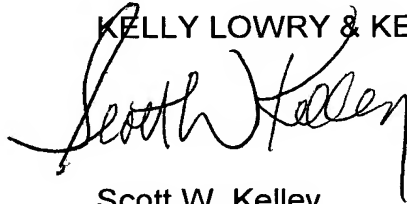
As admitted in the above-identified Office Action, Yang does not disclose a shield between the first line switch and the second line switch and two-line switch portions as recited in claims 1, 10 and 16.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03 (citing In re Royka, 180 USPQ 580 (CCPA 1974)). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 165 USPQ 494, 496 (CCPA 1970). While a single reference may serve as a basis for a rejection under 35 USC § 103, that single reference must still disclose all the features of the claimed

invention. As Yang fails to disclose the shield between the first line switch and the second line switch and two line switch portions, Applicant respectfully asserts that the currently pending claims are patentably distinct and should be allowed over this reference. Accordingly, Applicant believes that the currently pending claims, 1, 3-10, 12-16, 18 and 19 are in condition for allowance, notice of which is hereby respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Scott W. Kelley", written over the firm name.

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